

UNLAWFUL DETAINER

When should this packet be used?

- You are trying to remove someone from your home
- You have a legal right to reside in your home (you are the owner or the legal tenant)
- The person(s) you are trying to remove does **not** have a legal right to reside in your home (they are not an owner or legal tenant)
- There is no agreement for rent (written or verbal) between you and the person(s) you are trying to remove

Example – You let your former significant other, relative or friend live in your home. You have now told them to leave and they refused.

If your situation does not meet the criteria listed above, unlawful detainer may not be the appropriate action, and you should review the information on eviction and ejectment. This packet does not constitute legal advice. If you have questions you may want to contact an Attorney.

Unlawful Detainer is a county court lawsuit filed pursuant to Florida Statute Chapter 82, to request that another person leave your property. It is similar to an eviction proceeding except that in an Unlawful Detainer case, there is **no landlord/tenant relationship** between the parties, i.e. there is **no agreement to pay rent**, either written or verbal. If there is an agreement to pay rent, written or verbal, you should consider filing an eviction case. Consult an attorney if you are not sure.

READ ALL OF THE INFORMATION AND INSTRUCTIONS BEFORE COMPLETING THE FORMS AND SUBMITTING THEM FOR FILING.

DO NOT SIGN ANY DOCUMENTS THAT REQUIRE A NOTARY OR DEPUTY CLERK SIGNATURE UNTIL YOU ARE IN FRONT OF THE NOTARY OR DEPUTY CLERK.

RETAIN COPIES OF ALL FORMS FILED FOR YOU YOUR OWN RECORDS.

DOCUMENTS MUST BE LEGIBLE, TYPE WRITTEN OR LEGIBLY HANDWRITTEN IN BLACK OR BLUE INK.

It is important to remember that a delay can occur as a result of any errors on your paperwork.